

HOUSE BILL 652

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HB 1249/98 - JUD

1999 Regular Session
9r1202

By: **Delegates Boschert, Greenip, Rzepkowski, Leopold, Baldwin, Burns,
Guns, K. Kelly, Owings, W. Baker, and Amedori**

Introduced and read first time: February 11, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Homicide - Use of Deadly Force in Residence - Defense**

3 FOR the purpose of establishing that a person who uses deadly force or force likely to
4 cause death within the person's residence is presumed to have held a reasonable
5 fear of imminent peril of death or serious physical injury to the person or a
6 member of the person's family or household, if the force is used against another
7 who unlawfully and forcibly enters or has entered the person's residence;
8 providing that a person is not civilly liable for any act or omission in protecting
9 or attempting to protect the person or a member of the person's family or
10 household; and generally relating to the use of deadly force in a residence.

11 BY adding to

12 Article 27 - Crimes and Punishments

13 Section 415A

14 Annotated Code of Maryland

15 (1996 Replacement Volume and 1998 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 27 - Crimes and Punishments**

19 415A.

20 (A) A PERSON WHO USES DEADLY FORCE OR FORCE LIKELY TO CAUSE DEATH
21 WITHIN THE PERSON'S RESIDENCE IS PRESUMED TO HAVE HELD A REASONABLE
22 FEAR OF IMMINENT PERIL OF DEATH OR SERIOUS PHYSICAL INJURY TO THE PERSON
23 OR A MEMBER OF THE PERSON'S FAMILY OR HOUSEHOLD, IF THE FORCE IS USED
24 AGAINST ANOTHER WHO UNLAWFULLY AND FORCIBLY ENTERS OR HAS ENTERED
25 THE PERSON'S RESIDENCE.

26 (B) A PERSON DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS NOT
27 CIVILLY LIABLE FOR ANY ACT OR OMISSION IN PROTECTING OR ATTEMPTING TO
28 PROTECT THE PERSON OR A MEMBER OF THE PERSON'S FAMILY OR HOUSEHOLD.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1999.